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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,410	03/30/2004	Bong-gil Bak	1793.1198	1273
49455 7590 04/30/2008 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				
EXAMINER				
NGUYEN, HUY THANH				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,410

Applicant(s)

BAK, BONG-GIL

Examiner

HUY T. NGUYEN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4,9, 19,20,22 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanda (6,137,943).

Regarding claim 1, Kanda discloses a digital recording/reproducing apparatus (Fig. 3, column 9) comprising: a first data storage medium (HD) with a timeshift function; and a controller simultaneously recording received compressed data on both the first data storage medium and a second data storage medium (2VTR 110) without the timeshift function if a recording command that requires data to be recorded on the second data storage medium is received, and reading data recorded on the first data storage medium for data reproduction if a reproduction command for data being recorded is received (columns 2, lines 32-45, column 6, lines 10-25, column 9, lines 1-60).

Method claim 19 corresponds to apparatus claim 1. Therefore method claims 19 is rejected by the same reason as applied to apparatus claim 1.

Regarding claims 2 and 20, Kanda further teaches a data encoder (104) for compressing the data and outputting the compressed data to the controller, wherein a recording bit rate of the second data storage medium is required to be smaller than a predetermined value or within a predetermined range, the data encoder controls a generation amount of data according to a control of the controller so that the requirement is satisfied.

Regarding claims 4 and 22, Kanda teaches the digital recording/reproducing apparatus of claim 1, wherein the first data storage medium is a hard disk. (HD).

Regarding claims 9 and 27, Kanda teaches the data is video data.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 5-8 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanda in view of Yuen (20020186957).

Regarding claim 5 -8 and 23-26, Kanda fails to teach that the second medium can be an optical disc. However, using an optical disc means for recording information on a medium is well known in the art as taught by Yuen (sections 0008-0009. Therefore it would have been obvious to one of ordinary skill in the art to modify Kanda with Yuen by using an optical disc means for recording the second data medium as an alternative to the second medium of Kanda.

5. Claims 3 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanda in view of Kubota et al (6311011).

Regarding claims 3 and 21, Kanda fails to teach deleting the compressed data on the first medium. Kubota teaches means for deleting the recorded compressed data on a first medium when the compressed data is completely recorded on a second medium (column 6, lines 45-53).

It would have been obvious to one of ordinary skill in the art to modify Yamada with Kubota by using a deleting means as taught by Kubota with the apparatus of Yamada for deleting the compressed data on the medium when the compressed data is completely recorded on the second medium thereby preserving space for recording the compressed data on the first medium.

6. Claims 10, 13, 18, 28, 31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (6,442,327) in view of Kanda (6,137,943).

Regarding claims 10 and 28, Yamada discloses a digital recording/reproducing apparatus (Fig. 1, column 10) comprising:

a first data storage medium (HDD) ; and a controller, which if a recording command that requires data to be recorded on a second data storage medium (DTR) without a timeshift function is received, records received compressed data on the first data storage medium, automatically reads the compressed data recorded on the first data storage medium if a predetermined amount of compressed data is recorded on the first data storage medium, and records the read data on the second data storage medium (column 10, lines 20-45), and if a reproduction command for data being recorded is received, reads data recorded on the first data storage medium for data reproduction (column 8, lines 10-20).

Yamada fails to teach that the first medium has a timeshift function.

Kanda discloses a digital recording/reproducing apparatus (Fig. 3, column 9) comprising: a first data storage medium (HD) with a timeshift function; and a controller simultaneously recording received compressed data on both the first data storage medium and a second data storage medium (2VTR 110) without the timeshift function. It would have been obvious to one of ordinary skill in the art to modify Yamada with Kanda by providing a time shift function as taught by Kanda with the first medium of Yamada thereby enhancing the capacity of the first medium of Yamada.

Regarding claims 13 and 31 Yamada as modified with Kanda further teaches the first data storage medium is a hard disk (HDD).

Regarding claims 18 and 36, Yamada further teaches the data is video data.

7. Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (6,442,327) in view of Kanda (6,137,943) as applied to claims 10 and 28 above, further in view Sirivara et al (7,133,881).

Regarding claims 11 and 29, Yamada fails to specifically teach adjusting bit rate based on the amount of the recorded data on the first medium and second medium. Sirivara teaches a encoding control means for adjusting bit rate of the data to be recorded on a second medium based on the amount of the recorded data on a first medium and the second medium (Figs. 1, 3 column 2, line 45 to column 3, line 35). It would have been obvious to one of ordinary skill in the art to modify Yamada with Sirivara by using the encoding control means as taught by Sirivara with the apparatus of Yamada to control the bit rate of the data being recorded on the second medium thereby enhancing the capacity of the apparatus of Yamada to improve the quality of the data in playing back.

8. Claims 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (6,442,327) in view of Kanda (6,137,943) as applied to claims 10 and 28 above, further in view Kubota (6311011)..

Regarding claims 12 and 30, Kanda fails to teach deleting the compressed data on the first medium. Kubota teaches means for deleting the recorded compressed data on a first medium when the compressed data is completely recorded on a second medium (column 6, lines 45-53).

It would have been obvious to one of ordinary skill in the art to modify Yamada with Kubota by using a deleting means as taught by Kubota with the apparatus of Yamada for deleting the compressed data on the medium when the compressed data is completely recorded on the second medium thereby preserving space for recording the compressed data on the first medium .

9. Claims 14-17 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (6,442,327) in view of Kanda (6,137,943) as applied to claims 10 and 28 above, further in view Yuen (20020186957).

Regarding claims 14-17 and 32-35, Yamada fails to teach that the second medium can be an optical disc. However, using an optical recording means for recording information on an optical recording medium is well known in the art as taught by Yuen (sections 0008-0009.) Therefore it would have been obvious to one of ordinary skill in the art to modify Yamada with Yuen by using an optical recording means as taught by Yuen for recording the second data on an optical recording medium as an alternative to the second medium of Yamada thereby improving the speed of accessing the data.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Inoue et al, Krause et al , Morioka et al and Danniels et al teach apparatus for simultaneously recording data on a first medium and a second medium.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **HUY T. NGUYEN** whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/

Primary Examiner, Art Unit 2621